

Plaintiff HYANG CHUNG (hereinafter, “Plaintiff Chung”) is currently a resident of Fulton County, State of Georgia. By bringing this action, Plaintiff subjects herself to the jurisdiction and venue of this Court.

2.

Plaintiff SUNGJOON HWANG (hereinafter, “Plaintiff Sungjoon Hwang” or, collectively, Plaintiffs) is currently a resident of Fulton County, State of Georgia. By bringing this action, Plaintiff subjects himself to the jurisdiction and venue of this Court.

3.

Plaintiff SANGYEOP HWANG (hereinafter, “Plaintiff Sangyeop Hwang” or, collectively, “Plaintiffs”) is currently a resident of Fulton, County, State of Georgia. By bringing this action, Plaintiff subjects himself to the jurisdiction and venue of this Court.

4.

Defendant BINGO TRANSPORTATION INC. doing business as WAVE EXPRESS (hereinafter, “Defendant Bingo”), is an Indiana corporation with a principal office address of P.O. Box 826, Wakarusa, IN, 46573. Defendant Bingo may be served through its registered agent, Northern Indiana Business Services, LLC at 130 North Main Street, Goshen, IN, 46526, and is subject to the jurisdiction of this court pursuant to Georgia’s long-arm statute O.C.G.A. § 9-10-91. Defendant Bingo may be served with copies of the *Summons* and *Complaint* at that address.

5

Defendant EVEREST DENALI INSURANCE COMPANY (hereinafter, “Defendant Everest”) is a foreign corporation, and may be served through its registered agent, Corporation Service Company, at 2 Sun Court, Suite 400, Peachtree Corners, GA, 30092 and, pursuant to O.C.G.A. § 40-2-140(d)(4) and/or O.C.G.A. § 40-1-112(c), is subject to the jurisdiction of this court. Defendant Everest may be served with copies of the *Summons* and *Complaint* at that address.

6.

Defendant TYLER AUSTEN YARDLEY (hereinafter, “Defendant Yardley”) is a resident of West Plains, Missouri, last known to reside at 7263 Private Road 1830, West Plains, MO 65775. Defendant Yardley is subject to the jurisdiction of this court pursuant to Georgia’s long-arm statute O.C.G.A. § 9-10-91. Defendant Yardley may be served with copies of the *Summons* and *Complaint* at that address.

7.

O.C.G.A. § 40-1-117 provides, in relevant part, as follows:

**...any action against any resident or nonresident motor carrier for damages by reason of any breach of duty, whether contractual or otherwise, or for any violation of this article or of any order, decision, rule, regulation, direction, demand, or other requirement established by the state revenue commissioner may be brought in the county where the cause of the action or some part thereof arose; and if the motor carrier or its agent shall not be found for service in the county where the action is instituted, a second original may be issued and service be made in any other county where the service can be made upon the motor carrier or its agent. The venue prescribed by this Code section shall be cumulative of any other venue provided by law.**

O.C.G.A. § 40-12-3 provides, in relevant part, as follows:

**All actions brought under this chapter relating to the use of the highways of this state by nonresident motorists shall be brought in the county in which the accident or injury occurred or the cause of action originated, or in the county of the residence of the plaintiff, as the plaintiff in such action may elect, if the plaintiff in such action is a resident of the State of Georgia... (emphasis added)**

8.

Plaintiffs show that venue in the above-styled civil action is proper in this County and Court, as Plaintiffs are domiciled in Fulton County, Georgia.

**FACTS**

9.

Plaintiffs re-allege and incorporate the allegations set forth in all preceding paragraphs, as if repeated verbatim herein.

10.

On September 5, 2022 at approximately 5:00 p.m., Plaintiff Chung was a restrained driver of a 2019 Honda Odyssey traveling southbound on I-75, in Bartow County, Georgia. Plaintiff Sangyeop Hwang was a restrained front-seat passenger and Plaintiff Sungjoon Hwang was a restrained back-seat passenger immediately behind Plaintiff Chung.

11.

On the same time and date, Defendant was driving a 2018 RAM 2500, also traveling southbound on I-75, in Bartow County, Georgia.

12.

Plaintiff Chung slowed down behind other traffic in front of her that had also slowed due to an unrelated motor vehicle accident.

13.

Defendant failed to recognize the slowing down of traffic and, while attempting to avoid a collision by going between Plaintiffs' vehicle and another vehicle, struck the driver's side of Plaintiff's vehicle.

14.

Plaintiffs' vehicle sustained substantial damage to its driver's side.

15.

Officer J. Harris of the Georgia State Patrol - Post 3 arrived at and investigated the scene of the collision, and issued Defendant a citation, pursuant to O.C.G.A. § 40-6-123(a). Said code section states in relevant part the following:

**No person shall turn a vehicle at an intersection unless the vehicle is in a proper position upon the roadway as required in Code Section 40-6-120 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or change lanes or move right or left upon a roadway unless and until such movement can be made with reasonable safety.**

16.

Plaintiffs suffered bodily injuries as a result of the impact from Defendant's vehicle.

17.

Plaintiff Chung was shaken and disoriented and felt shoulder pain following the subject collision.

18.

Plaintiff Sungjoon Hwang complained of pain and numbness in various body parts following the subject collision.

19.

Plaintiff Sangyeop Hwang complained of pain and numbness in various body parts following the subject collision.

20.

As a result of the subject incident, which was the proximate result of the negligence of the Defendants, Plaintiffs continue to suffer, significant physical, mental, and emotional injuries, all for which they are entitled to recover under the law. Defendants are liable to Plaintiffs for these injuries.

**COUNT I - NEGLIGENCE**

21.

Plaintiffs re-allege and incorporate the allegations set forth in all preceding paragraphs, as if repeated verbatim herein.

22.

As a direct and proximate result of Defendants' carelessness and recklessness, Defendant Yardley struck Plaintiffs' vehicle, causing injuries to the Plaintiffs.

23.

Plaintiffs suffered significant physical, mental, and emotional pain as a result of the collision.

24.

Plaintiffs were injured in this collision as a direct and proximate result of the negligent actions and omissions of Defendant Yardley.

25.

At all relevant times, Defendant Yardley owed certain civil duties to Plaintiffs, which he violated.

26.

Defendant Yardley failed to exercise ordinary diligence and was therefore negligent when he failed to exercise that degree of care which is exercised by ordinarily prudent persons under the same or similar circumstances, which is a violation of O.C.G.A. § 51-1-2.

27.

Defendant Yardley violated his duties owed to Plaintiffs by improper and unsafe lane change in violation of O.C.G.A. § 40-6-123(a).

28.

Defendant Yardley violated his duties owed to Plaintiffs in failing to maintain a proper lookout.

29.

Defendant Yardley violated his duties owed to Plaintiffs in committing other negligent and reckless acts and omissions as may be shown by the evidence and proven at trial.

30.

Defendant Yardley is liable for the injuries and damages Plaintiffs suffered as a result of the Defendants' negligence, which damages will be determined by the enlightened conscience of an impartial jury based upon the evidence at trial.

**COUNT II - IMPUTED LIABILITY**

31.

Plaintiffs reallege and incorporate herein the allegations set forth in all preceding paragraphs as if fully restated.

32.

At the time of the subject collision, Defendant Yardley was under dispatch for Defendant Bingo.

33.

At the time of the subject collision, Defendant Yardley was operating his vehicle on behalf of Defendant Bingo.

34.

Defendant Bingo, is responsible for the actions of Defendant Yardley with regards to the collision described in this complaint under the doctrine of agency, or apparent agency.

Hyang Chung, Sungjoon Hwang, and Sangyeop Hwang v. Bingo Transportation Inc. dba Wave Express,  
Everest Denali Insurance Company, and Tyler Austen Yardley

State Court of Fulton County

*Complaint for Damages and Demand for Jury Trial*

**COUNT III - NEGLIGENT HIRING, TRAINING & SUPERVISION (BINGO)**

35.

Plaintiffs reallege and incorporate herein the allegations set forth in all preceding paragraphs as if fully restated.

36.

Defendant Bingo was negligent in hiring Defendant Yardley and entrusting him to drive a truck.

37.

Defendant Bingo was negligent in failing to properly train Defendant Yardley.

38.

Defendant Bingo was negligent in failing to properly supervise Defendant Yardley.

39.

Defendant Bingo's negligence in hiring Defendant Yardley, entrusting him with driving a commercial vehicle and failing to train and supervise him properly was the direct and proximate cause of the collision, and Plaintiffs' resulting injuries.

**COUNT IV – DIRECT ACTION (EVEREST DENALI INSURANCE COMPANY)**

40.

Plaintiffs reallege and incorporate herein the allegations set forth in all preceding paragraphs as if fully restated.

41.

Defendant Everest is subject to a direct action as the insurer for Defendant Bingo pursuant to O.C.G.A. § 40-2-140(d)(4) and/or O.C.G.A. §40-1-112(c).



42.

Defendant Everest was the insurer of Defendant Yardley at the time of the subject incident and issued a liability policy to comply with the filing requirements under Georgia law for intrastate transportation.

43.

Defendants Bingo and Everest are subject to the filing requirements outlined in O.C.G.A. § 40-2-140.

44.

Defendant Everest is responsible for any judgment rendered against Defendant Bingo.

**COUNT V - COMPENSATORY AND PUNITIVE DAMAGES**

45.

Plaintiffs re-allege and incorporate the allegations set forth in all preceding paragraphs, as if repeated verbatim herein.

46.

As a direct and sole proximate result of the breaches of duty and negligence by the Defendants, Plaintiffs suffered injuries and damages, including medical expenses and other necessary expenses, loss of enjoyment of life, mental and physical pain and suffering, and emotional distress, including pre-impact fright, and future expenses.

47.

Plaintiffs have incurred reasonable and necessary medical expenses to date due to injuries received in this Motor Vehicle Collision.

48.

Plaintiff Chung has incurred reasonable and necessary medical expenses to date due to injuries received in this Motor Vehicle Collision of no less than \$22,454.16, itemized as follows:

<b>Baro Chiropractic</b>	<b>\$7,520.00</b>
<b>AICA Orthopedics</b>	<b>\$3,048.00</b>
<b>Shelton Sports &amp; Spine</b>	<b>\$11,886.16</b>
<b><i>Total Medicals Incurred to Date</i></b>	<b><i>\$22,454.16</i></b>

49.

Plaintiff Sungjoon has incurred reasonable and necessary medical expenses to date due to injuries received in this Motor Vehicle Collision of no less than \$22,793.16 itemized as follows:

<b>Baro Chiropractic</b>	<b>\$8,062.00</b>
<b>AICA Orthopedics</b>	<b>\$2,845.00</b>
<b>Shelton Sports &amp; Spine</b>	<b>\$11,886.16</b>
<b><i>Total Medicals Incurred to Date</i></b>	<b><i>\$22,793.16</i></b>

50.

Plaintiff Sangyeop has incurred reasonable and necessary medical expenses to date due to injuries received in this Motor Vehicle Collision of no less than \$22,830.84, itemized as follows:

<b>Baro Chiropractic</b>	<b>\$8,062.00</b>
<b>AICA Orthopedics</b>	<b>\$2,845.00</b>
<b>MRI Imaging Specialist</b>	<b>\$1,890.00</b>
<b>Shelton Sports &amp; Spine</b>	<b>\$11,740.34</b>
<b><i>Total Medicals Incurred to Date</i></b>	<b><i>\$22,830.84</i></b>

51.

Said medical expenses continue to accrue for Plaintiffs' care, in an exact amount to be proven at trial.

52.

Plaintiffs aver that as a direct and proximate result of the aforementioned acts of negligence on the part of the Defendants, through their agents, servants, or employees, the Plaintiffs were caused to suffer and incur the following injuries and damages:

- (a) Severe and permanent injuries caused by the Defendants' negligence,
- (b) Pain, mental anguish, and suffering, both past and future;
- (c) Medical expenses in excess of \$22,454.16 for Plaintiff Chung; \$22,793.16 for Plaintiff Sungjoon; and \$22,830.34 for Plaintiff Sangyeop, past and future in an amount to be proven at trial;
- (d) Permanent medical impairment; and
- (e) Loss of enjoyment of life.

53.

Plaintiffs show that an employee is bound to exercise ordinary care in the selection of employees and not to retain them after knowledge of incompetency. O.C.G.A. § 34-7-20.

54.

Further, Plaintiffs shows that where employer had "actual knowledge of numerous and serious violations on its driver's record, or, at the very least, when the employer has flouted a legal duty to check a record showing such violation," punitive damages may be warranted. Cooper v. Marten Transport, Ltd., 2012 WL 12358220 (2012), quoting W. Indus., Inc. v. Poole, 280 Ga.App. 378, 380 (2006).

55.

Plaintiffs shows that Defendant Bingo had superior knowledge of Defendant Yardley poor driving history, or should have known of Defendant Yardley's poor driving history.

56.

Plaintiff shows that Defendant Bingo's total lack of due diligence, failure to act upon information, and effort to conceal his prior reckless driving rises to the level of "willful misconduct, malice, fraud, wantonness, oppression or that entire want of care which would raise the presumption of conscious indifference to consequences" so as to warrant a finding of punitive damages pursuant to O.C.G.A. § 51-12-5.1(b).

WHEREFORE, Plaintiffs pray this Court will issue an Order as follows:

- (a) that process issue and that Defendants be served with process as provided by law;
- (b) that Plaintiff have a TRIAL BY JURY on all matters pleaded herein;
- (c) that Plaintiffs recover against Defendants compensatory damages in an amount to be proven at trial;
- (d) that Plaintiffs recover against Defendants Bingo punitive damages in an amount to be proven at trial; and
- (e) that Plaintiffs recover against the Defendants attorney fees, reasonable costs of litigation, and any statutory penalties allowed by law that
- (d) that Plaintiffs have any other further relief as this Court deems just and proper.

Respectfully submitted this 2nd day of August, 2023.

3575 Koger Boulevard, Suite 125  
Duluth, Georgia 30096  
Phone: 770-931-9604  
Fax: 770-931-9610  
E-mail: [joe@zinjurylaw.com](mailto:joe@zinjurylaw.com)

ZDRILICH INJURY LAW, LLC

  
JOSEPH A. ZDRILICH  
State Bar of Georgia No.: 569248  
Attorney for Plaintiff

GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

**STATE COURT OF FULTON COUNTY**  
 Civil Division

CIVIL ACTION FILE #: \_\_\_\_\_

\_\_\_\_\_  
 HYANG CHUNG,  
 \_\_\_\_\_  
 SUNGJOON HWANG, and  
 \_\_\_\_\_  
 SANGYEOP HWANG  
 \_\_\_\_\_

Plaintiff's Name, Address, City, State, Zip Code

vs.

\_\_\_\_\_  
 TYLER AUSTEN YARDLEY  
 \_\_\_\_\_  
 7263 Private Road 1830  
 \_\_\_\_\_  
 West Plains, MO 65775  
 \_\_\_\_\_

Defendant's Name, Address, City, State, Zip Code

TYPE OF SUIT	AMOUNT OF SUIT
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ _____
<input type="checkbox"/> TORT	
<input checked="" type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	COURT COST \$ _____
<input type="checkbox"/> SPECIAL LIEN	
*****	
<input checked="" type="checkbox"/> NEW FILING	
<input type="checkbox"/> RE-FILING: PREVIOUS CASE NO. _____	

**SUMMONS**

TO THE ABOVE NAMED-DEFENDANT:

You are hereby required to file with the Clerk of said court and to serve a copy on the Plaintiff's Attorney, or on Plaintiff if no Attorney, to-wit:

Name: Joseph A. Zdrilich, Esq. / ZDRILICH INJURY LAW, LLCAddress: 3575 Koger Boulevard, Suite 125City, State, Zip Code: Duluth, Georgia 30096 Phone No.: 770-931-9604

An answer to this complaint, which is herewith served upon you, must be filed within thirty (30) days after service, not counting the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action. **DEFENSES MAY BE MADE & JURY TRIAL DEMANDED**, via electronic filing or, if desired, at the e-filing public access terminal in the Self-Help Center at 185 Central Ave., S.W., Ground Floor, Room TG300, Atlanta, GA 30303.

Donald Talley, Chief Clerk (electronic signature)

**SERVICE INFORMATION:**

Served, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

WRITE VERDICT HERE:

We, the jury, find for \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. \_\_\_\_\_ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

**STATE COURT OF FULTON COUNTY**  
 Civil Division

CIVIL ACTION FILE #: \_\_\_\_\_

\_\_\_\_\_  
 HYANG CHUNG,  
 \_\_\_\_\_  
 SUNGJOON HWANG, and  
 \_\_\_\_\_  
 SANGYEOP HWANG  
 \_\_\_\_\_

Plaintiff's Name, Address, City, State, Zip Code

vs.

\_\_\_\_\_  
 EVEREST DENALI INSURANCE COMPANY  
 \_\_\_\_\_  
 R/A: Corporation Service Company  
 \_\_\_\_\_  
 2 Sun Court, Suite 400, Peachtree Corners, GA, 30092  
 \_\_\_\_\_

Defendant's Name, Address, City, State, Zip Code

TYPE OF SUIT	AMOUNT OF SUIT
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ _____
<input type="checkbox"/> TORT	
<input checked="" type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	COURT COST \$ _____
<input type="checkbox"/> SPECIAL LIEN	
*****	
<input checked="" type="checkbox"/> NEW FILING	
<input type="checkbox"/> RE-FILING: PREVIOUS CASE NO. _____	

**SUMMONS**

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Donald Talley, Chief Clerk (electronic signature)

**SERVICE INFORMATION:**

Served, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

WRITE VERDICT HERE:

We, the jury, find for \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. \_\_\_\_\_ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

**STATE COURT OF FULTON COUNTY**  
 Civil Division

CIVIL ACTION FILE #: \_\_\_\_\_

\_\_\_\_\_  
 HYANG CHUNG,  
 \_\_\_\_\_  
 SUNGJOON HWANG, and  
 \_\_\_\_\_  
 SANGYEOP HWANG  
 \_\_\_\_\_

Plaintiff's Name, Address, City, State, Zip Code

vs.

\_\_\_\_\_  
 BINGO TRANSPORTATION INC.  
 \_\_\_\_\_  
 R/A: Northern Indiana Business Services, LLC  
 \_\_\_\_\_  
 130 North Main Street, Goshen, IN, 46526  
 \_\_\_\_\_

Defendant's Name, Address, City, State, Zip Code

TYPE OF SUIT	AMOUNT OF SUIT
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ _____
<input type="checkbox"/> TORT	
<input checked="" type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	COURT COST \$ _____
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**SUMMONS**

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Donald Talley, Chief Clerk (electronic signature)

**SERVICE INFORMATION:**

Served, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

WRITE VERDICT HERE:

We, the jury, find for \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. \_\_\_\_\_ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

## General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☐ State Court of \_\_\_\_\_ County

## For Clerk Use Only

 Date Filed \_\_\_\_\_  
 MM-DD-YYYY

Case Number \_\_\_\_\_

## Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix

## Defendant(s)

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Self-Represented ☐

## Check One Case Type in One Box

## General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

## Domestic Relations Cases

- ☐ Adoption
- ☐ Dissolution/Divorce/Separate Maintenance
- ☐ Family Violence Petition
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

## Post-Judgment – Check One Case Type

- ☐ Contempt
  - ☐ Non-payment of child support, medical support, or alimony
- ☐ Modification
- ☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

\_\_\_\_\_ Case Number

\_\_\_\_\_ Case Number


- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. \_\_\_\_\_  
 Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.



**STATE OF GEORGIA**



3575 Koger Blvd., Suite 125  
Duluth, Georgia 30096  
Ph: (404) 888-1111  
Fax: (770) 931-9610  
[joe@zinjurylaw.com](mailto:joe@zinjurylaw.com)

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

HYANG CHUNG,	)	
SUNGJOON HWANG, and	)	
SANGYEOP HWANG,	)	CIVIL ACTION FILE
	)	
Plaintiffs,	)	NO.: <u>23EV004634</u>
	)	
vs.	)	
	)	
BINGO TRANSPORTATION INC.	)	
d/b/a WAVE EXPRESS,	)	
EVEREST DENALI INSURANCE	)	
COMPANY, and	)	
TYLER AUSTEN YARDLEY,	)	
	)	
Defendants.	)	

**AFFIDAVIT OF SERVICE**  
(Re: Everest Denali Insurance Company)

Came and appeared before me, a Notary Public authorized to take oaths, Craig Brazeman, who, having been duly sworn stated and deposed to me as follows:

1.

That I have the intellectual capacity to make an oath and have knowledge of the facts that make this affidavit.

2.

That I am sui juris, over the age of twenty one (21), and have a residence in the State of Georgia.

3.

That I am employed as a Licensed Private Detective and Certified Process Server (Georgia).

4.

That I am in no way a party to the above-styled action.

5.

That I am authorized by Order of this Court to serve process of related documents/pleadings.

6.

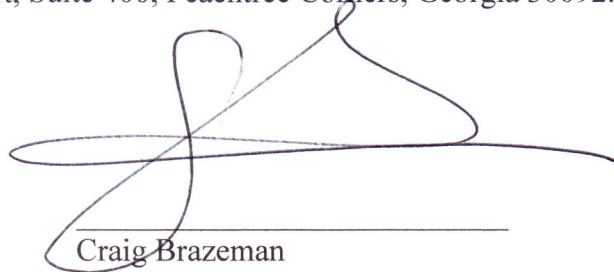
That I was hired to serve process of the following documents/pleadings:

- a) Summons;
- b) Complaint for Damages and Demand for Jury Trial;
- c) Plaintiffs' First Interrogatories and First Request for Production of Documents to Defendant Everest Denali Insurance Company; and
- d) General Civil and Domestic Relations case Filing Information Form.

7.

That on August 3<sup>rd</sup>, 2023 at 12:12 p.m., I served Everest Denali Insurance Company, an above-named Defendant, with the above documents/pleadings by placing said documents/pleadings in the hands of Alisha M. Smith, an authorized agent with the Corporation Service Company, while located at 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092.

This 3<sup>rd</sup> day of August, 2023.



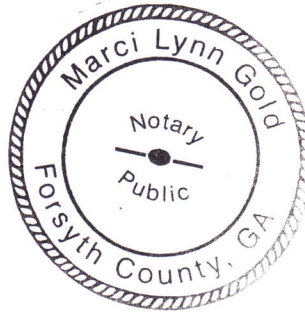
Craig Brazeman

Sworn to and subscribed before me  
this 3<sup>rd</sup> day of August, 2023.



NOTARY PUBLIC

My commission expires: 1/10/2027



**CIVIL ACTION FILE NO.:**

servants, representatives, private investigators and others who are in a position of or may have obtained information for or on behalf of Everest Denali Insurance Company.

2.

These Interrogatories shall be deemed continuing, and supplemental responses shall be required as set forth in O.C.G.A. § 9-11-26(e).

### **INTERROGATORIES**

1.

State in detail and with particularity how you contend the incident occurred forming the subject matter of this lawsuit.

2.

Furnish a detailed factual basis for each defense you assert in your answer.

3.

State the name, address, home and work telephone numbers and employer of any person who, to your knowledge, information or belief:

- a) Was an eyewitness to the incident complained of in this action;
- b) Arrived at the scene of the incident complained of immediately or shortly after it occurred;
- c) Has some knowledge of any fact or circumstance upon which your defense to this incident is based.

4.

Identify by full name, address and telephone number each person whom you expect to call as an expert witness at the trial of this case and, as to each expert so identified, state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each such opinion.

Hyang Chung, Sungjoon Hwang, and Sangyeop Hwang v. Bingo Transportation Inc. dba Wave Express,  
Everest Denali Insurance Company, and Tyler Austen Yardley

State Court of Fulton County

*Plaintiffs' First Interrogatories and First Request for Production to Defendant Everest Denali Insurance Company*

5.

If you contend that some other person or legal entity is, in whole or in part, liable to the plaintiffs or defendant in this matter, state that person's or entity's full name, address and telephone number and please state with particularity each and every fact upon which you base your contention that some other person or legal entity is, in whole or in part, liable to the plaintiffs or defendant in this matter.

6.

Describe in detail all laws, acts having the force and effect of law, codes, regulations and legal principles, standards, customs and usages which you contend are applicable to this action.

7.

State whether Defendant Everest or anyone acting on behalf of Defendant Everest ever had any conversation with either Plaintiffs or any other party or witness to this lawsuit. If your answer is in the affirmative, state the date of each such conversation and your understanding of what was said by either Plaintiffs or any other party or witness at said time.

8.

With regard to each statement (oral, written, recorded, court or deposition transcription, etc.) from any person with knowledge relevant to this lawsuit, please state the name of such statement, the date each statement was made, and the name and address of each person having possession, custody or control of each statement.

9.

Please state the name, address and employer of all persons who, to your knowledge, information or belief, has investigated any aspect of the occurrence which is the subject matter of the Plaintiffs' lawsuit.

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10.

Describe with reasonable particularity all photographs, charts, diagrams, videotapes and other illustrations of any person, place or thing involved in this lawsuit, giving the date each was made, by whom it was made, and the name and address of each person having possession, custody or control of each item.

11.

Describe with reasonable particularity all books, documents and other tangible things relevant to the issues in this lawsuit which support your defense that have not already been identified by the preceding interrogatories, giving the name and address of each person having possession, custody or control of each thing.

12.

If you contend that Defendant Tyler Austen Yardley (hereinafter, "Defendant Yardley"), was not negligent in the operation of the semitruck he was operating at the time of the subject incident, please state with particularity each and every fact upon which you base your contention that Defendant Yardley, was not negligent.

13.

If you contend that Plaintiffs were negligent in any manner whatsoever in connection with the subject incident, please state with particularity each and every manner or way in which you contend Plaintiffs were negligent, and please state with particularity each and every fact upon which you base your contention that Plaintiffs were negligent.

14.

Please identify all persons not previously mentioned herein known, whom Defendant Everest believes to have personal knowledge of any fact relevant to the claims asserted in the

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Plaintiffs' Complaint.

15.

Please identify each insurance company which may have an interest in the outcome of this litigation, or which may be liable to satisfy all or part of any judgment entered against Everest Denali Insurance Company together with the type of policy, the policy number, the name and address of the insured, and the limits of liability/uninsured motorist coverage for each such policy.

16.

Please identify the Defendant Everest's policy/policies that were in effect at the time of the underlying collision that forms the basis of the Plaintiffs' complaint. Identify specifically the named insured(s), policy number(s), and the amount and nature of (traditional or stackable) liability and/or bodily injury coverage available at the time of the collision.

17.

Please identify every facility or location you have sent Non-Party Requests to Produce (aka Third-Party Requests to Produce), including the name of the facility (or company), the date it was sent and the address it was sent.

18.

When did you first contemplate litigation?

19.

Will you be defending in the name of Bingo Transportation Inc. dba Wave Express and/or Tyler Austen Yardley and/or Everest Denali Insurance Company?



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**FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
AND NOTICE TO PRODUCE**

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COMES NOW HYANG CHUNG, SUNGJOON HWANG, and SANGYEOP HWANG, Plaintiffs in the above-styled case, and pursuant to O.C.G.A. § 9-11-26, et seq., including O.C.G.A. § 9-11-34, and O.C.G.A. § 24-10-26, et seq., serves this Request for Production of Documents upon EVEREST DENALI INSURANCE COMPANY. Said documents are to be produced for inspection and copying by Plaintiff's counsel at the offices of ZDRILICH INJURY LAW, LLC, 3575 Koger Blvd., Suite 125, Duluth, Georgia 30096. In lieu of this, Everest Denali Insurance Company may attach copies thereof and mail to the above address of Plaintiff's counsel.

**This Request to Produce includes a Notice to Produce at any deposition, hearing or trial.**

If a privilege is claimed as to any requested document, please identify that in your responses to each such request, the privilege which is asserted, the nature of the document, the date of the document, the author or the originator of the document, and a brief description of the contents of the document sufficient for the Court to rule on the claimed privilege request.

**REQUESTS**

1.

Copies or duplicate originals of the entire file, bills, all reports, memoranda or notes from any expert who has investigated any aspect or element of the subject incident or who you intend to call as a witness, identified by you in response to Plaintiffs' continuing Interrogatory No. 4.

2.

A complete copy or duplicate original of each and every report provided to you, your agent, or attorney, from those individuals or entities identified in response to Plaintiffs' continuing Interrogatory No. 7.

3.

A complete copy or duplicate original of each and every statement provided to you, your agent, or attorney, from those individuals or entities identified in response to Plaintiffs' continuing Interrogatory No. 8.

4.

A complete copy or duplicate original of each and every report provided to you, your agent, or attorney, from those individuals or entities identified in response to Plaintiffs' continuing Interrogatory No. 9.

5.

Copies or duplicate originals of any and all photographs, charts, diagrams, videotapes, and other illustrations and other tangible items identified by you in response to Plaintiffs' Continuing Interrogatory No. 10.

6.

Copies or duplicate originals of all books, documents, and other tangible things identified by you in response to Plaintiffs' continuing Interrogatory No. 11.

7.

A complete certified copy of every insurance policy, including all attachments, riders and addenda, and declarations page issued by you which is or may be applicable to Plaintiff's claims.

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8.

If you contend that Defendant Tyler Austen Yardley, was not negligent in the operation of the motor vehicle Defendant Tyler Austen Yardley was driving at the time of the subject incident, please produce copies or duplicate originals of any and all documents or tangible things identified by you which support your contention in any way.

9.

If you contend that either Plaintiffs were negligent in any manner whatsoever in connection with the subject incident, please produce copies or duplicate originals of any and all documents or tangible things identified by you which support your contention in any way.

10.

If you contend that some other person or legal entity is, in whole or in part, liable to the plaintiffs or defendant in this matter, please produce copies or duplicate originals of any and all documents or tangible things identified by you which support your contention in any way.

11.

Please produce a copy of any damage appraisal and/or repair invoice regarding the vehicle involved in the subject motor vehicle collision that forms the basis of this lawsuit.

12.

Copies or duplicate originals of all documents received in response to your Non-Party Requests to Produce (aka Third-Party Requests to Produce) identified by you in response to Plaintiff continuing Interrogatory No. 17. ONLY produce these copies on CD, which Plaintiff's counsel will provide to you.

***[SIGNATURE PAGE TO FOLLOW]***

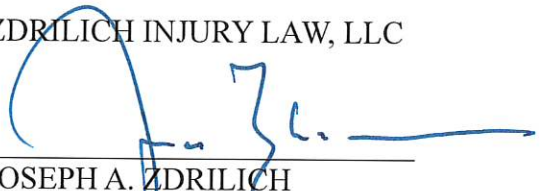
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Respectfully submitted this 2<sup>nd</sup> day of August, 2023.

ZDRILICH INJURY LAW, LLC



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JOSEPH A. ZDRILICH  
State Bar of Georgia No.: 569248  
Attorney for Plaintiff

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**STATE OF GEORGIA**

**CIVIL ACTION FILE NO.:**

The within request for admissions, interrogatories, requests for production of documents are continuing and require supplemental response upon the discovery of other or further information or documents pertinent thereto. In answering the following request for admissions, interrogatories,

requests for production of documents, Defendants are required to give full and complete information based upon the knowledge, information and belief of all agents, employees, investigators, adjusters, attorneys, and insurers of said Defendants.

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**ADMISSIONS, INTERROGATORIES, REQUESTS TO PRODUCE**

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**ADMISSIONS**

1.

Defendant Bingo admits that they were properly served with copies of the *Summons, Complaint and Discovery Requests*.

2.

Defendant Bingo admits that jurisdiction and venue are proper in the above-referenced lawsuit.

3.

Defendant Bingo admits that all parties involved in the above-referenced lawsuit have been properly served with copies of the *Summons, Complaint and Discovery Requests*.

**INTERROGATORIES**

1.

State the name and address of any individual or entity with any ownership or lease interest in the vehicle (including any container or chassis if applicable) driven by Defendant Tyler Austen Yardley (hereinafter, "Defendant Yardley") on the date of the incident referred to in the Complaint and describe the nature of the interest.

2.

Identify all vehicle leases, subleases, trip leases, or other leasing or sharing arrangements involving the vehicle or trailer (including any container or chassis, if applicable) by this Defendant, Bingo, from the thirty-days prior to the subject collision to thirty-days subsequent to the collision.

3.

State the point of origin, destination and reason for the trip being made by Defendant Yardley at the time of the incident referred to in the Complaint.

4.

With regards to the load being transported at the time of the collision by Defendant Yardley, please identify:

- a) Where the loan originated;
- b) The contents thereof;
- c) The weight of said load;
- d) The final destination of the load; and
- e) Any contract bills of lading, shipping documents, consignment forms, fax correspondence, or other writings pertaining to the transportation of said load.

5.

Was the Defendant Bingo's vehicle covered by liability insurance? If so, state the names of all insurers providing liability insurance on said vehicle and give the limits of coverage of each such policy.

6.

Has any insurer referred to above been denied coverage or reserved its right to later deny

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coverage under any such policy of liability insurance? If so, please explain.

7.

Do you contend that Plaintiffs caused or contributed to collision in question? If so, state with particularity each and every contention made in this regard.

8.

Did Defendant Bingo conduct a post-accident alcohol and controlled substance test on Defendant Yardley? If so, please state:

- a) The date of testing;
- b) Who administered the test;
- c) Who performed the test; and
- d) The results of the test.

9.

If post-accident testing was not performed on Defendant Yardley, please state the reasons such testing did not occur.

10.

Was a post-accident report completed and forwarded to the Federal Highway Administration? If no, please state the reasons that a post-accident report was not completed.

11.

State in detail the factual basis for each defense Defendant Bingo has raised in your answer to the complaint.

12.

State the name, address, and telephone number for the President, Safety Director, Federal Safety Regulation Compliance Officer, the Dispatcher for the trip which ultimately resulted in the Hyang Chung, Sungjoon Hwang, and Sangyeop Hwang v. Bingo Transportation Inc. dba Wave Express, Everest Denali Insurance Company, and Tyler Austen Yardley

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collision, and all persons who interviewed and were involved with the hiring or associating of Defendant Yardley.

13.

State whether the tractor involved in the collision contained or utilized an on-board recording device, tachograph, trip monitor, trip recorder, trip master, Qualcomm, Vorad, ECM or device known by any other name which records information concerning the operation of the vehicle.

14.

Describe the vehicle and trailer operated by Defendant Yardley at the time of the collision, including but not limited to the year, make, and model, mileage, maintenance history, all-features, specifications, special equipment, governors, on-board recording devices, radar detector, CB radios, or other descriptive information regarding the tractor and trailer unit.

15.

Has Defendant Yardley ever been cited by the Department of Transportation, Public Service Commission, or Federal Highway Administration for violation of the Federal Motor Carrier Safety Regulation? If so, please state for each instance:

- a) The date of the violation;
- b) A description of the violation;
- c) The location where the violation occurred;
- d) The agency issuing the citation; and
- e) The ultimate disposition of the charges.

16.

Has Defendant Yardley ever been disqualified or placed out-of-service? If so, please stated for each instance.

- a) The dates of disqualification; and
- b) The reason for the disqualification.

17.

Identify the name and address of any repair facility which performed repairs or maintenance on the tractor and trailer (including any container or chassis, if applicable) driven by Defendant Yardley on the date of the incident referred to in the complaint for the one-year period preceding the incident and the six-month period after the incident.

18.

Please explain the nature of the employment relationship between Defendant Bingo and Defendant Yardley (i.e., lease operator, company driver, temporary driver, etc.), including, but not limited to: the date the employment relationship began, if the employment relationship has been terminated, the date of such termination, and the identity of the person who terminated such driver.

19.

With respect to Defendant Yardley, please state the driver's mode of compensation.

20.

Does Defendant Bingo, on its own or through its insurer, or through any other person or business entity, obtain information from any private source or governmental agency concerning the driving history, driving infractions, and motor vehicle records of the drivers it employs? If so, please state the name and business of each entity through which such information was requested or obtained concerning the driver involved in the subject collision, and the dates upon which such information was obtained concerning the driver involved in the subject collision, and the dates upon which such

information was obtained concerning the driver operating the commercial truck involved in the subject collision.

21.

Please identify all automobile accidents and moving violations for Defendant Yardley prior to and subsequent to the incident referred to in the complaint, including the date of the event, the location, the jurisdiction and a description of the event.

22.

Please state Defendant Yardley's date of birth, social security number and driver's license number.

23.

Please identify the cellphone number and service provider for all cellphones owned, used, or operated by Defendant Yardley on the date of the incident.

24.

State the name and address of any person, including any party, who, to your knowledge, information, or belief:

- (a) Was an eyewitness to the incident complained of in this action;
- (b) Has some knowledge of any fact or circumstance upon which your defense is based; and
- (c) Has conducted any investigation relating to the incident complained of or the background, employment, medical history, or activities of the plaintiff.

25.

If you intend to call any expert or technician as a witness at the trial of this action, state the subject matter on which he or she is expected to testify and state in detail the opinions held by each

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such expert or technician and give a complete summary of the grounds for each opinion held.

26.

State the extent of any training provided to Defendant Yardley by Defendant Bingo or any outside agency since the date of Defendant Yardley's application for employment or the date he began driving for Defendant Bingo whichever came first.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1.

Copies of any lease, contract, or other agreement regarding the vehicle or trailer (including any container or chassis, if applicable) driven by Defendant Yardley on the day of the incident referred to in the complaint.

2.

Copies of the bill of sale, title, and any other documents relating to the ownership of the vehicle and trailer driven (including container or chassis, if applicable) by Defendant Yardley on the date of the incident referred to in the complaint.

3.

Copies of any lease, employment contract, or any other documents regarding the employment status of Defendant Yardley. In lieu of this, you may attach copies thereof to your answers to these interrogatories.

4.

The policy of insurance identified in response to Interrogatory No. 5.

5.

Any trip reports, or dispatch records in regards to Defendant Yardley for the two-week

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period preceding the incident referred to in the complaint.

6.

A copy of all driver's logs or timecards for Defendant Yardley for the six-month period preceding the incident referred to in the complaint.

7.

Copies of all check stubs, fuel receipts, invoices, and other records for any expenses incurred by Defendant Yardley for the six-month period preceding the incident referred to in the complaint.

8.

Copies of all daily, monthly, and annual inspection reports, and any other inspection reports concerning the vehicle and trailer (including any container or chassis, if applicable) driven by Defendant Yardley on the day of the incident referred to in the complaint for the one-year period preceding this incident and the six-month period following this incident.

9.

Copies of all maintenance records, repair invoices and work orders concerning the vehicle and trailer (including any container or chassis, if applicable) driven by Defendant Yardley on the day of the incident referred to in the complaint for the one year period preceding this incident and the six-month period following this incident.

10.

A copy of Defendant Yardley's driver's qualification file, including but not limited to:

- a) Application for employment;
- b) Copy of his driver's license;
- c) Driver's certification of prior motor vehicle accidents;

- d) Driver's certification of prior violations of motor vehicle laws;
- e) Driver's prior employment history;
- f) Carrier's inquiry into his employment record;
- g) Documents regarding carrier's annual review of his driving record;
- h) Response of each state agency to carrier's annual inquiry concerning his driving record;
- i) Certification of driver's road test;
- j) Statement setting forth in detail any denial, revocation, or suspension of any license, permit or privilege to operate a motor vehicle;
- k) Training certificates and training documents;
- l) Drug testing records; and
- m) Any other documents.

11.

Copies of any printouts, records, correspondence, memoranda, or other documents concerning post-accident alcohol and controlled substance testing of Defendant Yardley. In lieu of this, you may attach copies thereof to your answers to these interrogatories.

12.

A copy of any post-accident report. In lieu of this, you may attach copies thereof to your answers to these interrogatories.

13.

The accident registered for Defendant Yardley for the one-year period preceding the subject accident. In lieu of this, you may attach copies thereof to your answers to these interrogatories.

14.

Copies of any driver manuals, guidelines, rules, or regulations issued to drivers by Defendant Hyang Chung, Sungjoon Hwang, and Sangyeop Hwang v. Bingo Transportation Inc. dba Wave Express, Everest Denali Insurance Company, and Tyler Austen Yardley

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Bingo or kept by Defendant Bingo.

15.

Copies of any reports, memoranda, notes, logs, or other documents evidencing any complaints about Defendant Yardley.

16.

Copies of all safety manuals, brochures, handouts, literature, or other written documents pertaining to safety provided to drivers by Defendant Bingo or kept by Defendant Bingo.

17.

Copies of any printouts, records or documents produced by any device identified in response to the preceding interrogatory for the six-month period prior to the incident referred to in the complaint.

18.

Any document concerning any violation identified in response to the preceding interrogatory.

19.

Any document concerning any disqualification or out-of-service identified in response to the preceding interrogatory.

20.

Copies of any documents regarding any training received by Defendant Yardley.

21.

Any permits or licenses regarding the vehicle and trailer driven by Defendant Yardley ruled the load transported by Defendant Yardley at the time of the incident referred to in the complaint.

22.

The payroll information concerning Defendant Yardley for the six (6) months prior to and the two (2) months subsequent to said collision and his paycheck for the time period covering the date of the collision. (Plaintiffs' counsel is not requesting copies of pay checks unless otherwise specified but requests the individualized payroll record ledger sheet indicating the amount of pay, miles driven for the time periods specified, etc.).

23.

All motor vehicle records or reports of any kind received from any private corporation or service, or any governmental entity relative to the driving history, driving record, and driving infractions of Defendant Yardley since the commencement of said driver's employment with Defendant Bingo up and through the date of trial.

24.

All certificates of authority, filings, registrations, license, permits, or other-related documents issued by or sent to any governmental entity in regard to Defendant Bingo or Defendant Bingo's operations.

25.

To your knowledge, information, or belief, has any person identified in answering the preceding interrogatory given any statement or report in connection with this action? If so, describe such statement or report and give the name and address of the person having custody and control thereof.

26.

All such statements or reports. In lieu thereof, you may attach copies to your answers to these interrogatories.



27.

To your knowledge, information or belief are there any videotapes, photographs, plats, or drawings of the scene of the incident referred to in the Complaint, the vehicles or plaintiffs? If so, please describe such videotapes, photographs, plats, or drawings and give the name and address of the person having custody and control thereof.

28.

All such videotapes, photographs, plats, or drawings. In lieu thereof, you may attach copies to your answers to these interrogatories.

29.

Any videotape, photograph, report, data, memoranda, handwritten notes, or other document reviewed by or generated by an individual identified in response to the preceding interrogatory.

30.

Any documents obtained through a request for production of documents or subpoena. In lieu of this, you may attach copies thereof to your answers to these interrogatories.

31.

In regard to any document which has not been produced on grounds of privilege, please state the following:

- a) The date each document was generated;
- b) The person generating each document;
- c) The present custodian of each document; and
- d) A description of each document.

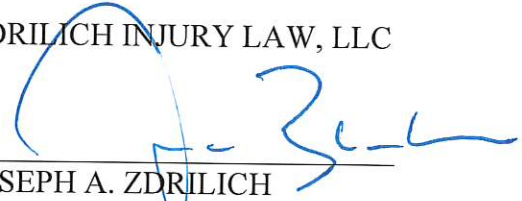
32.

Any medical records, videotapes, photographs, or other evidence concerning, referencing, or depicting the plaintiffs.

The aforesaid production shall be made within 45 days from the date of these requests, at the offices of Zdrilich Injury Law, LLC, 3575 Koger Blvd., Ste. 125, Duluth, Georgia 30096. (We will pay for the reasonable cost of reproducing these documents and simply mailing them rather than an actual appearance if that is agreeable).

Respectfully submitted this 2<sup>nd</sup> day of August, 2023.

ZDRILICH INJURY LAW, LLC



JOSEPH A. ZDRILICH  
State Bar of Georgia No.: 569248  
Attorney for Plaintiff

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**STATE OF GEORGIA**



















**PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS, FIRST  
INTERROGATORIES, AND FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS TO DEFENDANT TYLER AUSTEN YARDLEY**

The within requests for production of documents are continuing and require supplemental response upon the discovery of other or further information or documents pertinent thereto. In answering the following request for admissions, interrogatories, requests for production of documents, Defendant is required to give full and complete information based upon the knowledge, information and belief of all agents, employees, investigators, adjusters, attorneys, and

insurers of said Defendant.

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**ADMISSIONS, INTERROGATORIES, REQUESTS TO PRODUCE**

---

**ADMISSIONS**

1.

Defendant Yardley admits that he was properly served with copies of the Summons, Complaint and Discovery.

2.

Defendant Yardley admits that jurisdiction and venue are proper in the above-referenced lawsuit.

3.

Defendant Yardley admits that all parties involved in the above-referenced lawsuit have been properly served with copies of the *Summons, Complaint, and Discovery Requests*.

**INTERROGATORIES**

1.

State the name and address of any individual or entity with any ownership or lease interest in the tractor or trailer (including any container or chassis if applicable) driven by Defendant Yardley on the date of the incident referred to in the Complaint and describe the nature of the interest.

2.

Identify all vehicle leases, subleases, trip leases, or other leasing or sharing arrangements involving the tractor or trailer (including any container or chassis, if applicable) by Defendant Bingo Transportation Inc. dba Wave Express (hereinafter, "Defendant Bingo") from the thirty-days prior to the subject collision to thirty-days subsequent to the collision.

3.

State the point of origin, destination and reason for the trip being made by Defendant Yardley at the time of the incident referred to in the Complaint.

4.

With regards to the load being transported at the time of the collision by Defendant Yardley, please identify:

- a) Where the load originated;
- b) The contents thereof;
- c) The weight of said load;
- d) The final destination of the load; and
- e) Any contracts, bills of lading, shipping documents, consignment forms, fax correspondence, or other writings pertaining to the transportation of said load.

5.

Was the Defendants' vehicle covered by liability insurance? If so, state the names of all insurers providing liability insurance on said vehicle and give the limits of coverage of each such policy.

6.

Has any insurer referred to above denied coverage or reserved its right to later deny coverage under any such policy of liability insurance? If so, please explain.

7.

Do you contend that Plaintiffs caused or contributed to collision in question? If so, state with particularity each and every contention made in this regard.

8.

Did Bingo conduct a post-accident alcohol and controlled substance test on Defendant Yardley? If so, please state:

- a) The date of testing;
- b) Who administered the test;
- c) Who performed the test; and
- d) The results of the test.

9.

If post-accident testing was not performed on Defendant Yardley, please state the reasons such testing did not occur.

10.

Was a post-accident report completed and forwarded to the Federal Highway Administration? If no, please state the reasons that a post-accident report was not completed.

11.

State in detail the factual basis for each defense you have raised in your answer to the complaint.

12.

State the name, address, and telephone number for the President, Safety Director, Federal Safety Regulation Compliance Officer, the Dispatcher for the trip which ultimately resulted in the collision, and all persons who interviewed and were involved with the hiring or associating of Defendant Yardley.

13.

State whether the vehicle involved in the collision contained or utilized an on-board recording device, tachograph, trip monitor, trip recorder, trip master, Qualcomm, Vorad, ECM or device known by any other name which records information concerning the operation of the tractor.

14.

Describe the vehicle operated by Defendant Yardley at the time of the collision, including but not limited to the year, make, and model, mileage, maintenance history, all-features, specifications, special equipment, governors, on-board recording devices, radar detector, CB radios, or other descriptive information regarding the tractor and trailer unit.

15.

Has Defendant Yardley ever been cited by the Department of Transportation, Public Service Commission, or Federal Highway Administration for violation of the Federal Motor Carrier Safety Regulation? If so, please state for each instance:

- a) The date of the violation;
- b) A description of the violation;
- c) The location where the violation occurred;

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- d) The agency issuing the citation; and
- e) The ultimate disposition of the charges.

16.

Has Defendant Yardley ever been disqualified or placed out-of-service? If so, please stated for each instance.

- a) The dates of disqualification; and
- b) The reason for the disqualification.

17.

Identify the name and address of any repair facility which performed repairs or maintenance on the tractor and trailer (including any container or chassis, if applicable) driven by Defendant Yardley on the date of the incident referred to in the complaint for the one-year period preceding the incident and the six-month period after the incident.

18.

Please explain the nature of the employment relationship between Defendant Bingo and Defendant Yardley (i.e., lease operator, company driver, temporary driver, etc.), including, but not limited to: the date the employment relationship began, if the employment relationship has been terminated, the date of such termination, and the identity of the person who terminated such diver.

19.

With respect to Defendant Yardley, please state the driver's mode of compensation.

20.

Does Defendant Bingo, on its own or through its insurer, or through any other person or business entity, obtain information from any private source or governmental agency concerning



the driving history, driving infractions, and motor vehicle records of the drivers it employs? If so, please state the name and business of each entity through which such information was requested or obtained concerning the driver involved in the subject collision, and the dates upon which such information was obtained concerning the driver involved in the subject collision, and the dates upon which such information was obtained concerning the driver operating the commercial truck involved in the subject collision.

21.

Please identify all automobile accidents and moving violations for Defendant Yardley prior to and subsequent to the incident referred to in the complaint, including the date of the event, the location, the jurisdiction and a description of the event.

22.

Please state Defendant Yardley's date of birth, social security number and driver's license number.

23.

Please identify the cellphone number and service provider for all cellphones owned, used, or operated by Defendant Yardley on the date of the incident.

24.

State the name and address of any person, including any party, who, to your knowledge, information or belief:

- a) Was an eyewitness to the incident complained of in this action;
  - b) Has some knowledge of any fact or circumstance upon which your defense is based;
- and

- c) Has conducted any investigation relating to the incident complained of or the background, employment, medical history, or activities of the plaintiff.

25.

If you intend to call any expert or technician as a witness at the trial of this action, state the subject matter on which he or she is expected to testify and state in detail the opinions held by each such expert or technician and give a complete summary of the grounds for each opinion held.

26.

State the extent of any training provided to Defendant Yardley by Defendant Bingo or any outside agency since the date of Defendant Yardley's application for employment or the date he began driving for Defendant Bingo, whichever came first.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1.

Copies of any lease, contract, or other agreement regarding the vehicle or trailer (including any container or chassis, if applicable) driven by Defendant Yardley on the day of the incident referred to in the complaint.

2.

Copies of the bill of sale, title, and any other documents relating to the ownership of the vehicle and trailer driven (including container or chassis, if applicable) by Defendant Yardley on the date of the incident referred to in the complaint.

3.

Copies of any lease, employment contract, or any other documents regarding the employment status of Defendant Yardley.

Hyang Chung, Sungjoon Hwang, and Sangyeop Hwang v. Bingo Transportation Inc. dba Wave Express,

Everest Denali Insurance Company, and Tyler Austen Yardley

State Court of Fulton County

*Plaintiff's First Request for Admissions, First Continuing Interrogatories, and First Request for Production to Defendant Tyler Austen Yardley*

4.

Copies of any statements or reports currently in your possession or the possession of your counsel, whether in the form of memorandum, audio or video recording, transcript, questionnaire, affidavit, or any other writing, generated by any person asserting that they have direct or indirect knowledge of the facts alleged in Plaintiffs' Complaint.

5.

Copies of any bills, reports, or invoices reflecting service or maintenance of the automobile that Defendant Yardley was driving when he struck Plaintiffs, whether said maintenance was undertaken by Defendant(s) or any other member of his household or person in his/their employee.

6.

Copies of any videotape, photograph, report, data, memoranda, handwritten notes, or other document that Defendant(s) intends to put forth as in support of his defense in the above-captioned case.

7.

Copies of any videotape, photograph, report, data, memoranda, handwritten notes, or other document reviewed by or generated by any person you intend to put forth as an expert witness in your defense.

8.

Copies of any pleadings, citations, or transcript of any legal proceeding in your present custody and control that you have been a party to in the past seven (7) years.

9.

Copies of any prescription for eyeglasses or contacts prescribed for you in the twelve (12) months preceding the September 5, 2022 accident.

10.

Copies of any prescription for any medication prescribed to you in the twelve (12) months preceding the September 5, 2022 accident.

11.

Copies of any cell phone records for you on the date that the subject collision occurred on September 5, 2022.

12.

Copy of each document referred to in your answers to Plaintiffs' Interrogatories to Defendants.

13.

Please state whether you have ever been arrested for any criminal offense or have been given a citation for the violation of any traffic law or ordinance, and, if so, please state: the nature of the offense; the city, county, and state in which the offense occurred; the date of such offense; the name of the court in which you had to answer to such charge or citation; and give the disposition of each case and the dates of disposition.

14.

A copy of any social media profiles, including but not limited to the following:

(a) Please produce your Facebook profile. (In order to create the zip file that contains the profile, please sign on to your Facebook account and click on the "account button" at

the top right side of your Facebook page. Click on “account settings” on the toolbar that opens up. On this newly opened screen, click on the “learn more” button by the “download your information” section. Click on the download button. Facebook will then compile the zip file and email a notification to you with a link in the email that will allow you to download the Facebook file. This process takes between 30-90 minutes depending on the size of the profile. Please provide save this profile to a USB flash drive and provide it as your response. (Reasonable expenses for this drive will be paid).

Please provide the tagged photographs on Defendant’s profile. (To do this, you must open each picture individually, right click on the picture and save it on the same USB drive) For all of those tagged photographs that are not produced by Defendant, please create a privilege log describing said photographs.

(b) Please provide your Twitter archive. (To get your archive, go to the Settings area and look for the new “Your Twitter archive” feature. A link will be emailed to you that leads to a page within Twitter where you can complete the download. After clicking download, a ZIP file will be downloaded. When you open that file, you will see a readme file with instructions. (Please provide this ZIP file).

(c) Please provide a copy of your Instagram account. To do so, please visit <http://instaport.met/export> and sign into the Instagram account. Follow the prompts to authorize access to the account’s information. Under “export options,” download all photographs and select “include videos as well.” A .ZIP file will be downloaded and be titled “Instagram\_\_\_\_\_” with the date of the download. Please save this entire .ZIP

file to a thumb drive, compact disc, or external hard drive. We will pay reasonable expenses for such a device if necessary.

15.

A copy of the policy of insurance identified in response to Interrogatory No. 5.

16.

A copy any trip reports, or dispatch records in regards to Defendant Yardley for the two-week period preceding the incident referred to in the complaint.

17.

A copy of all driver's logs or timecards for Defendant Yardley for the six-month period preceding the incident referred to in the complaint.

18.

Copies of all daily, monthly, and annual inspection reports, and any other inspection reports concerning the tractor and trailer (including any container or chassis, if applicable) driven by Defendant Yardley on the day of the incident referred to in the complaint for the one-year period preceding this incident and the six-month period following this incident.

19.

A copy of Defendant Yardley's driver's qualification file, including but not limited to:

- a) Application for employment;
- b) Copy of his driver's license;
- c) Driver's certification of prior motor vehicle accidents;
- d) Driver's certification of prior violations of motor vehicle laws;
- e) Driver's prior employment history;

- f) Carrier's inquiry into his employment record;
- g) Documents regarding carrier's annual review of his driving record;
- h) Response of each state agency to carrier's annual inquiry concerning his driving record;
- i) Statement setting forth in detail any denial, revocation, or suspension of any license, permit or privilege to operate a motor vehicle;
- j) Training certificates and training documents;
- k) Drug testing records; and
- l) Any other documents.

20.

Copies of any printouts, records, correspondence, memoranda, or other documents concerning post-accident alcohol and controlled substance testing of Defendant Yardley.

21.

A copy of any post-accident report.

22.

Copies of any driver manuals, guidelines, rules, or regulations issued to drivers by Defendant Bingo or kept by Defendant Yardley.

23.

Copies of any reports, memoranda, notes, logs, or other documents evidencing any complaints about Defendant Yardley.

24.

Copies of all safety manuals, brochures, handouts, literature, or other written documents pertaining to safety provided to drivers by Defendant Bingo or kept by Defendant Yardley.

25.

Copies of any printouts, records or documents produced by any device identified in response to the preceding interrogatory for the six-month period prior to the incident referred to in the complaint.

26.

Copies of any documents regarding any training received by Defendant Yardley.

27.

Copies of the payroll information concerning said driver for the six (6) months prior to and the two (2) months subsequent to said collision and his paycheck for the time period covering the date of the collision. (Plaintiffs' counsel is not requesting copies of pay checks unless otherwise specified but requests the individualized payroll record ledger sheet indicating the amount of pay, miles driven for the time periods specified, etc.).

28.

Copies of all motor vehicle records or reports of any kind received from any private corporation or service, or any governmental entity relative to the driving history, driving record, and driving infractions of Defendant Yardley since the commencement of said driver's employment with Defendant Bingo, up and through the date of trial.

29.

Copies of any documents obtained through a request for production of documents or subpoena.



30.

In regard to any document which has not been produced on grounds of privilege, please state the following:

- (a) The date each document was generated;
- (b) The person generating each document;
- (c) The present custodian of each document; and
- (d) A description of each document.

31.

Copies any medical records, videotapes, photographs, or other evidence concerning, referencing, or depicting the plaintiffs.

The aforesaid production shall be made within 45 days from the date of these requests, at the offices of Zdrilich Injury Law, LLC, 3575 Koger Blvd., Ste. 125, Duluth, Georgia 30096. (We will pay for the reasonable cost of reproducing these documents and simply mailing them rather than an actual appearance if that is agreeable).

Respectfully submitted this 2<sup>nd</sup> day of August, 2023.

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ZDRILICH INJURY LAW, LLC



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